

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-11a	Time filed:	
Changed to Admin. Code Ref. (R no.):			
1.	Agency: Commerce/Division of Occupational and Professional Licensing		
	Room no.:		
	Building: Heber M. Wells Building		
	Street address 1: 160 East 300 South		
	Street address 2:		
	City, state, zip: Salt Lake City UT 84111-2316		
	Mailing address 1: PO Box 146741		
	Mailing address 2:		
	City, state, zip: Salt Lake City UT 84114-6741		
	Contact person(s):		
	Name:	Phone:	Fax:
	Daniel T. Jones	801-530-6767	801-530-6511

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline):
	Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rules
3.	Type of notice:
	New ____; Amendment XX; Repeal ____; Repeal and Reenact ____
4.	Purpose of the rule or reason for the change:
	<p>The Division and the Cosmetology/Barbering, Esthetics, Electrology and Nail Technology Licensing Board are proposing amendments to the rule as a result of statutory changes made to Title 58, Chapter 11a in H.B. 71 during the 2005 legislative session. Some rule information which is being deleted is now included in the statute governing these professions. Also, all references in the rule to a "grandfather clause" have been deleted as the specific time limit for applicability of the clause has now passed. Also, the Division has been evaluating the need for each profession's law/rule examination and has determined that the law/rule examination for applicants for licensure as a cosmetologist/barber, esthetician, electrologist and nail technician can be deleted with no negative impact on the professions. The Division and Board are also proposing an amendment to add the fine schedule applicable to these professions into the rule. The existing fine schedule applicable to licensees and unlicensed persons under Title 58, Chapter 11a is a Division policy.</p>
5.	This change is a response to comments from the Administrative Rules Review Committee.
	Yes ____; No XX
6.	Summary of the rule change:

	<p>Section 102-Definitions: Updated definition for "advanced pedicures"; added a definition for "aroma therapy", "indirect supervision", and "pedicure"; and deleted definitions for "being engaged in the practice of esthetics" and "being engaged in the practice of master esthetics" as these definitions are no longer applicable as they established the experience criteria needed for persons applying for licensure under the grandfather clause in the statute which no longer exists. Section 302a-Examination Requirements: Amendments have been made throughout this section to delete the Utah Law and Rules Examination for all classifications of licensure. Amendments have also been made to add that a theory and practical examination approved by the licensing authority of another state is now an examination option for persons who have been licensed in another state. By adding this amendment, persons who have been licensed in another state will now be eligible for licensure in Utah without having to take an additional examination in this state. Also deleted in paragraph (1)(c)(ii) the requirement that a licensed cosmetologist/barber in another state have practiced for a period of not less than 4,000 hours. Deletions are also made throughout this section to delete respective national examinations established by the National Interstate Council of State Boards of Cosmetology. In lieu of national examinations, applicants for licensure in the various license classifications must pass either a Utah Theory and Practical Examination or a theory and practical examination approved by the licensing authority of another state. Section 302b has been deleted in its entirety as it is no longer applicable with respect to a grandfather clause. Section 502-Unprofessional Conduct: Paragraph (12) defining the use of methyl methacrylate as a nail technician is deleted as this restriction is now contained in the statute. Section 503 regarding administrative penalties for unlawful conduct has been added. Section 601-Standards for Accreditation: Amendments to update what agency a cosmetology school is to register with. Section 606: Paragraph (3) is added which prohibits apprenticeship training hours to be combined with school training hours. Sections 701 through 705 regarding school curriculums: Amendments have been made to the sections to remove redundancies and to make all sections more consistent. Section 704: Amendment made to increase nail technology hours of instruction from 200 to 300 to be consistent with new statute requirements. Section 706 is being added to define curriculum standards for cosmetology/barber, master esthetic, electrology and nail technology instructor schools. Section 801-Cosmetologist/Barber Apprenticeship Requirements: changed the word "supervisor" to "instructor" in this section to clarify who is providing instruction to apprentices. Section 802-Esthetician Apprenticeship Requirements: Changed the word "supervisor" to "instructor" in this section to clarify who is providing instruction to apprentices and reduced the number of apprentice to instructor ratio to one-to-one to comply with statute changes. Section 803-Master Esthetician Apprenticeship Requirements: Changed the word "supervisor" to "instructor" in this section to clarify who is providing instruction to apprentices and reduced the number of apprentice to instructor ratio to one-to-one to comply with statute changes. Also deleted that a master esthetician apprentice needs to be licensed as an esthetician. Section 804-Nail Technician Apprenticeship Requirements: Changed the word "supervisor" to "instructor" in this section to clarify who is providing instruction to apprentices and in paragraphs (6) and (9) increased the training hours from 250 to 375 to comply with statute changes.</p>
7.	<p>Aggregate anticipated cost or savings to:</p> <p>A) State budget:</p> <p>The Division will incur minimal costs of approximately \$200 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.</p> <p>B) Local government:</p> <p>Proposed amendments do not apply to local governments; therefore, no costs or savings are anticipated. Proposed amendments only apply to licensees and applicants for licensure as either a cosmetologist/barber, esthetician, electrologist or nail technician.</p> <p>C) Other persons:</p>

	<p>The proposed amendment deleting the Utah law/rule examination only applies to applicants for licensure as either a cosmetologist/barber, esthetician, electrologist or nail technician. Those applicants for licensure will see a savings of \$75.00 each in that they will no longer be required to take the Utah law/rule examination. The Division estimates approximately 3175 new cosmetology license classifications are licensed on a yearly basis, thus resulting in an aggregate savings of \$238,125. It should be noted however that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above. The proposed fine schedule amendment will affect persons (both licensed and unlicensed) who violate the specified sections of Title 58, Chapter 11a. The Division is unable to determine how many fines in the future may be issued to persons violating the specified sections of Title 58, Chapter 11a. Members of the public may be charged slightly more for some services provided by the cosmetology industry as a result of the proposed amendments. Also, due to the increase in training hours required for nail technicians, students may see an increase in costs from nail schools or nail apprenticeship programs. The Division is unable to determine any exact increases as it would depend on if a licensee wishes to increase prices for services and if a nail school or nail apprenticeship program wishes to increase fees.</p>												
8.	<p>Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency):</p> <p>The proposed amendment deleting the Utah law/rule examination only applies to applicants for licensure as either a cosmetologist/barber, esthetician, electrologist or nail technician. Those applicants for licensure will see a savings of \$75.00 each in that they will no longer be required to take the Utah law/rule examination. It should be noted however that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above. With respect to the proposed amendment regarding a fine schedule, the Division is not able to determine an exact compliance cost to persons affected as it would depend on what violation they had committed and if the violation was a first, second or third offense. Members of the public may be charged slightly more for some services provided by the cosmetology industry as a result of the proposed amendments. Also, due to the increase in training hours required for nail technicians, students may see an increase in costs from nail schools or nail apprenticeship programs. The Division is unable to determine any exact increases as it would depend on if a licensee wishes to increase prices for services and if a nail school or nail apprenticeship program wishes to increase fees.</p>												
9.	<p>Comments by the department head on the fiscal impact the rule may have on businesses:</p> <p>Much of the amendments in this rule filing result from statutory changes and the fiscal impact to businesses as to those statutory changes has been addressed by the Legislature. No further fiscal impact to businesses is anticipated from this rule filing. The amendments to the school curricula are mostly a reorganization of the sections; any substantive changes therein are intended to adopt national standards for school curricula. Francine A. Giani, Executive Director</p>												
10.	<p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): Section 58-11a-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)</p>												
11.	<p>This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):</p>												
12.	<p>The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i>. See Section 63-46a-5 and Rule R15-1 for more information.)</p> <table border="1"> <tr> <td>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</td> <td colspan="2">10/31/2006</td> </tr> <tr> <td colspan="3">B) A public hearing (optional) will be held:</td> </tr> <tr> <td>on (mm/dd/yyyy):</td> <td>at (time):</td> <td>At (place):</td> </tr> <tr> <td>10/16/2006</td> <td>9:00 am</td> <td>160 East 300 South, Conference Room 474, Salt Lake City, Utah</td> </tr> </table>	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):	10/31/2006		B) A public hearing (optional) will be held:			on (mm/dd/yyyy):	at (time):	At (place):	10/16/2006	9:00 am	160 East 300 South, Conference Room 474, Salt Lake City, Utah
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10/16/2006	9:00 am	160 East 300 South, Conference Room 474, Salt Lake City, Utah											

13.	This rule change may become effective on (mm/dd/yyyy):	11/08/2006	
	NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")):		
	cosmetologists/barbers	estheticians	
	electrologists	nail technicians	
15.	Attach an RTF document containing the text of this rule change (filename):	R156-11a.pro	
To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	J. Craig Jackson, Director	Date (mm/dd/yyyy):	09/07/2006

ProposedRule.doc 9/26/2003

R156. Commerce, Occupational and Professional Licensing.

R156-11a. Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rules.

R156-11a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 11a, as used in Title 58, Chapters 1 and 11a or these rules:

(1) "Advanced pedicures", as used in Subsection 58-11a-102(27)(a)(i)(D), means any of the following:

(a) utilizing instruments or implements other than nail clippers for cleaning, trimming, softening, smoothing and caring of the nail, cuticles, and calluses of the feet;

(b) utilizing [~~various~~]advanced equipment, instruments, implements, [~~as well as~~] topical products, and preparations[~~-~~];

(c) manual, chemical or microdermabrasion for exfoliation as defined in Subsection R156-11a-610(4); or

(d) lymphatic massaging of the lower portion of the feet or legs by manual or other means.

(2) "Aroma therapy" means the application of essential oils which are applied directly to the skin, undiluted or in a misted dilution with a carrier oil or lotion. for varied applications such as massage, hot packs, cold packs, compress, inhalation, steam or air diffusion, or in hydrotherapy services.

(~~[2]~~3) "BCA acid" means bicloroacetic acid.[

~~(3) "Being engaged in the practice of esthetics", as used in Subsections 58-11a-302(7)(d)(iii) and (iv), means having been~~

~~engaged in a scope of practice that includes at least 50% of the modalities listed in Subsection 58-11-102(25).~~

~~(4) "Being engaged in the practice of master esthetics", as used in Subsections 58-11a-302(8)(d)(iii) and (v), means having been engaged in a scope of practice that includes at least 50% of the modalities listed in Subsection 58-11a-102(27).]~~

~~([5]4) "Body wraps", as used in Subsection 58-11a-102(27)(a)(i)(A), means body treatments utilizing products or equipment to enhance and maintain the texture, contour, integrity and health of the skin and body[~~promote the health of the skin and body~~].~~

~~([6]5) "Chemical exfoliation", as used in Subsection 58-11a-102(27)(a)(i)(C), means a resurfacing procedure performed with a chemical solution or product for the purpose of removing superficial layers of the epidermis to a point no deeper than the stratum corneum.~~

~~([7]6) "Dermabrasion or open dermabrasion" means the surgical application of a wire or diamond frieze by a physician to abrade the skin to the epidermis and possibly down to the papillary dermis.~~

~~([8]7) "Dermaplane" means the use of a scalpel or bladed instrument by a physician to shave the upper layers of the stratum corneum.~~

~~([9]8) "Equivalent number of credit hours" means:~~

~~(a) the following conversion table if on a semester basis:~~

~~(i) theory - 1 credit hour - 30 clock hours;~~

~~(ii) practice - 1 credit hour - 30 clock hours; and~~

~~(iii) clinical experience - 1 credit hour - 45 clock hours; and~~

~~(b) the following conversion table if on a quarter basis:~~

~~(i) theory - 1 credit hour - 20 clock hours;~~

~~(ii) practice - 1 credit hour - 20 clock hours; and~~

~~(iii) clinical experience - 1 credit hour - 30 clock hours.~~

~~([10]9) "Exfoliation" means the sloughing off of non-living skin cells by very superficial and non-invasive means.~~

~~([11]10) "Galvanic current" means a constant low-voltage direct current.~~

~~([12]11) "Health care practitioner" means a physician/surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, or a physician assistant licensed under Title 58, Chapter 70, Physician Assistant Act.~~

(~~[13]~~12) "Hydrotherapy", as used in Subsection 58-11a-102(27)(a)(i)(B), means the use of water for cosmetic purposes or beautification of the body.

(13) "Indirect supervision" means the supervising instructor is present within the facility in which the person being supervised is providing services, and is available to provide immediate face to face communication with the person being supervised.

(14) "Limited chemical exfoliation" means an extremely gentle chemical exfoliation.

(15) "Manipulating", as used in Subsection 58-11a-102(25)(a), means applying a light pressure by the hands to the skin.

(16) "Manual lymphatic massage", as used in Subsection 58-11a-102(25)(b), means a method using light pressure applied by manual or other means to the skin in specific maneuvers to promote drainage of the lymphatic fluid through the tissue.

(17) "Microdermabrasion", as used in Subsection 58-11a-102(27)(a)(i)(E), means a gentle, progressive, superficial, mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system.

(18) "Patch test" or "predisposition test" means applying a small amount of a chemical preparation to the skin of the arm or behind the ear to determine possible allergies of the client to the chemical preparation.

(19) "Pedicure" means any of the following:

(a) cleaning, trimming, softening, or caring for the nails, cuticles, or calluses of the feet;

(b) the use of manual instruments or implements on the nails, cuticles, or calluses of the feet;

(c) callus removal by sanding, buffing, or filing; or

(d) massaging of the feet or lower portion of the leg.

(~~[19]~~20) "Supervision by a licensed health care practitioner" means a health care practitioner who, acting within the scope of the licensee's license, authorizes and directs the work of a licensee pursuant to this chapter in the treatment of a patient of the health care practitioner while:

(a) the health care practitioner is physically located on the premises and is immediately available to care for the patient if complications arise; or

(b) the patient is physically located on the premises of the health care practitioner.

(~~[20]~~21) "TCA acid" means trichloroacetic acid.

(~~[21]~~22) "Unprofessional conduct" is further defined, in accordance with Subsection 58-1-203(5), in Section R156-11a-50~~[1]~~2.

R156-11a-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 11a.

R156-11a-302a. Qualifications for Licensure - Examination Requirements.

In accordance with Section 58-11a-302, the various examination requirements for licensure are established as follows:

(1) Applicants for licensure as a cosmetologist/barber shall:

(a) ~~[pass the Utah Law and Rules Examination with a score of at least 75%;~~

~~——(b)(i)——]~~pass the Utah Cosmetology/Barber Theory and Practical Exam with a score of at least 75%; or[

~~——(ii) pass the National Interstate Council of State Boards of Cosmetology National examination with a passing score as established by the Council of State Boards of Cosmetology; and~~

~~——(c)(i) pass the Utah Cosmetology/Barber Practical Exam or an equivalent exam as established by the Division in collaboration with the Board; and~~

~~——(ii) have practiced as a licensed cosmetologist/barber in another state for a period of not less than 4,000 hours.]~~

(b) pass any cosmetology/barber theory and practical examination approved by the licensing authority of another state.

(2) Applicants for licensure as a cosmetologist/barber instructor shall~~[pass the following]:~~

(a) pass the Utah Cosmetologist/Barber Instructor Licensing Examination with a [passing]score of at least 75%;
[and]or

(b) ~~[the Utah Law and Rules Examination with a passing score of at least 75%]~~pass any cosmetology/barber instructor examination approved by the licensing authority of another state.

(3) Applicants for licensure as an electrologist shall~~[pass the following]:~~

(a)~~[(i) the National Interstate Council of State Boards of Cosmetology Electrologist test with a passing score as established by the Council of State Boards of Cosmetology]~~pass the Utah Electrologist Theory and Practical Examination with a score of at least 75%; or

(b) pass any electrologist theory and practical examination approved by the licensing authority of another state.

~~[——(ii) the Utah Electrologist Theory Examination;~~

~~_____ (b) the Utah Law and Rules Examination with a passing score of at least 75%; and~~

~~_____ (c) the Utah Electrology Practical Examination.]~~

(4) Applicants for licensure as an electrologist instructor shall~~[-pass the following]:~~

(a) pass the Utah Electrologist Instructor Examination with a [passing-]score of at least 75%; [and]or

(b) [the Utah Law and Rules Examination with a passing score of at least 75%]pass any electrology instructor examination approved by the licensing authority of another state.

(5) Applicants for licensure as an esthetician shall~~[-pass the following]:~~

(a) pass the Utah Esthetics Theory and Practical Examination with a score of at least 75%; or

(b) pass an esthetics theory and practical examination approved by the licensing authority of another state.[if applying for licensure under Subsections 58-11a-302(7)(d)(i) or (ii):

~~_____ (i) the Utah Law and Rules Examination with a passing score of at least 75%;~~

~~_____ (ii) (A) the Utah Esthetics Theory Examination with a passing score of at least 75%; or~~

~~_____ (B) the National-Interstate Council of State Board of Cosmetology National Esthetics examination with a passing score as established by the Council of State Boards of Cosmetology; and~~

~~_____ (iii) the Utah Esthetics Practical Examination or an equivalent exam as established by the Division in collaboration with the Board;~~

~~_____ (b) if applying for licensure under Subsections 58-11a-302(7)(d)(iii) or (iv), no examination is required; or~~

~~_____ (c) if applying for licensure under Subsection 58-11a-302(7)(d)(v):~~

~~_____ (i) the Utah Esthetics Theory Examination with a passing score of at least 75%; or~~

~~_____ (ii) the National-Interstate Council of State Boards of Cosmetology National Esthetics examination with a passing score as established by the Council of State Boards of Cosmetology.]~~

(6) Applicants for licensure as a master esthetician shall~~[-pass the following]:~~

(a) pass the Utah Master Esthetician Theory and Practical Examination with a score of at least 75%; or

(b) pass a master esthetician theory and practical examination approved by the licensing authority of another state.[if applying for licensure under Subsections 58-11a-302(8)(d)(i) or (ii):

~~—— (i) the Utah Law and Rules Examination with a passing score of at least 75%;~~

~~—— (ii) the Utah Master Esthetician Theory Examination with a passing score of at least 75%;~~

~~—— (b) if applying for licensure under Subsections 58-11a-302(8)(d)(iii) or (iv), no examination is required; or~~

~~—— (c) if applying for licensure under Subsection 58-11a-302(8)(d)(v), the Utah Master Esthetician Theory Examination.]~~

(7) Applicants for licensure as an esthetician instructor shall~~[-pass the following]:~~

(a) pass the Utah Esthetician Instructor Examination with a [passing-]score of at least 75%; [and]or

(b) [the Utah Law and Rules Examination with a passing score of at least 75%]pass any esthetician instructor examination approved by the licensing authority of another state.

(8) Applicants for licensure as a [N]nail [T]technician shall~~[-pass the following]:~~

(a) pass the Utah Nail Technician Theory and Practical Examination with a score of at least 75%; or

(b) pass a nail technician theory and practical examination approved by the licensing authority of another state.[if applying for licensure under Subsections 58-11a-302(11)(d)(i) or (ii):

~~—— (i) the Utah Law and Rules Examination with a passing score of at least 75%;~~

~~—— (ii)(A) the Utah Nail Technician Theory Examination with a passing score of at least 75%; or~~

~~—— (B) the National Interstate Council of State Boards of Cosmetology National Nail Technician Examination with a passing score as established by the Council of State Boards of Cosmetology; and~~

~~—— (iii) pass the Utah Nail Technician Practical Examination or an equivalent exam as established by the Division in collaboration with the Board;~~

~~—— (b) if applying for licensure under Subsections 58-11a-302(11)(d)(iii) or (iv), no examination is required; or~~

~~—— (c) if applying for licensure under Subsection 58-11a-302(11)(d)(v):~~

~~—— (i) the Utah Nail Technician Theory Examination with a passing score of at least 75%; or~~

~~—— (ii) the National Interstate Council of State Boards of Cosmetology National Nail Technician Examination with a passing score as established by the Council of State Boards of Cosmetology.]~~

(9) Applicants for licensure as a nail technician instructor shall~~[-pass the following]:~~

(a) pass the Utah Nail Technician Instructor Examination with a [~~passing~~]score of at least 75%; [~~and~~]or

(b) [~~the Utah Law and Rules Examination with a passing score of at least 75%~~]pass any nail technology instructor examination approved by the licensing authority of another state.

~~[R156-11a-302b. Deadline for Making Application under Grandfather Clause.~~

~~Applicants for licensure under the grandfather provisions in Subsections 58-11a-302(7)(d)(iii), (iv), and (v); (8)(d)(iii), (iv), and (v); and (11)(d)(iii), (iv), and (v) must apply for licensure on or before June 30, 2003. Thereafter, all applicants must meet all requirements for initial licensure including those established in Subsections 58-11a-302(7)(d)(i) and (ii), 58-11a-302(8)(d)(i) and (ii) or 58-11a-302(11)(d)(i) and (ii), respectively.~~

~~]~~

R156-11a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing to provide direct supervision of an apprentice, a student attending a cosmetology/barber, esthetics, electrology, or nail technology school, or a student instructor;

(2) failing to obtain accreditation as a cosmetology/barber, esthetics, electrology, or nail technology school in accordance with the requirements of Section R156-11a-601;

(3) failing to maintain accreditation as a cosmetology/barber, esthetics, electrology or nail technology school after having been approved for accreditation;

(4) failing to comply with the standards of accreditation applicable to cosmetology/barber, esthetics, electrology, or nail technology schools;

(5) failing to provide adequate instruction or training as applicable to a student of a cosmetology/barber, esthetics, electrology, or nail technology school, or in an approved cosmetology/barber, esthetics, or nail technology apprenticeship;

(6) failing to comply with Title 26, Utah Health Code;

(7) failing to comply with the apprenticeship requirements applicable to cosmetologist/barber, esthetician, master esthetician, or nail technician apprenticeships as set forth in Sections R156-11a-801 through R156-11a-805;

(8) failing to comply with the standards for curriculums applicable to cosmetology/barber, esthetics, electrology, or nail technology schools as set forth in Sections R156-11a-701 through R156-11a-704;

(9) using any device classified by the Food and Drug Administration as a medical device without the supervision of a licensed health care practitioner acting in the scope of the licensee's practice;

(10) performing services within the scope of practice as a master esthetician without having been adequately trained to perform such services;

(11) violating any standard established in Sections R156-11a-601 through R156-11a-612;

(12) ~~[as a nail technician, using methyl methacrylate; —(13)—]~~performing a procedure while the licensee has a known contagious disease of a nature that may be transmitted by performing the procedure, unless the licensee takes medically approved measures to prevent transmission of the disease; and

(~~14~~13) performing a procedure on a client who has a known contagious disease of a nature that may be transmitted by performing the procedure, unless the licensee takes medically approved measures to prevent transmission of the disease.

R156-11a-503. Administrative Penalties - Unlawful Conduct.

In accordance with Subsections 58-1-501(1)(a) and (c), 58-11a-301(1) and (2), 58-11-502(1), (2) or (4), and 58-11a-503(4), unless otherwise ordered by the presiding officer, the following fine schedule shall apply to citations issued under Title 58, Chapter 11a.

(1) Practicing or engaging in, or attempting to practice or engage in activity for which a license is required under Title 58, Chapter 11a in violation of Subsection 58-11a-502(1).

First Offense: \$200

Second Offense: \$300

(2) Knowingly employing any other person to engage in or practice or attempt to engage in or practice any occupation or profession for which a license is required under Title 58, Chapter 11a in violation of Subsection 58-11a-502(2).

First Offense: \$400

Second Offense: \$800

(3) Using as a nail technician a solution composed of at least 10% methyl methacrylate on a client in violation of Subsection 58-11a-501(4)

First Offense: \$500

Second Offense: \$1,000

(4) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-11a-503(4)(h).

(5) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(6) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(7) The presiding officer for a contested citation shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator based upon the evidence reviewed.

R156-11a-601. Standards for Accreditation.

In accordance with Subsections 58-11a-302(3)(c)(iv), 58-11a-302(6)(c)(iv) 58-11a-302(10)(c)(iv), and 58-11a-302(13)(c)(iv), the accreditation standards for a cosmetology/barber school, an electrology school, an esthetics school, and a nail technology school include:

(1) Each school shall be required to become accredited by:

(a) the National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS); or

(b) other accrediting commissions recognized by the Utah Board of Regents for post secondary schools.

(2) Each school shall maintain and keep the accreditation current.

(3) A new school shall:

(a) submit an application for candidate status for accreditation to an accrediting commission within one month of receiving licensure from the Division as a cosmetology/barber school, an electrology school, an esthetics school, or a nail technology school and shall provide evidence of receiving candidate status from the accrediting commission to the Division within 12 months of the date the school was licensed;

(b) ~~[register with the Utah Board of Regents pursuant to Subsection 53B-5-105(1)(e)]~~ file an "Exemption of Registration as a Post-Secondary Proprietary School" form with the Division of Consumer Protection pursuant to Sections 13-34-101 and R152-34-1; and

(c) comply with all applicable accreditation standards during the pendency of its application for accreditation status.

(4) The school shall have 24 months following the date of receiving candidate status to be approved for accreditation.

(5) A licensee who fails to obtain or maintain accreditation status, as required herein, shall immediately surrender to the Division its license as a school. Failure to do so shall constitute a basis for immediate revocation of licensure in accordance with Section 63-46b-20.

R156-11a-606. Standards for Protection of Schools.

In accordance with Subsection 58-11a-302(3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(10)(c)(iv), and 58-11a-302(13)(c)(iv), standards for the protection of cosmetology/barber, electrology, esthetics, and nail technology schools shall include:

(1) Schools shall not be required to release documentation of hours earned to a student until the student has paid the tuition or fees owed to the school as provided in the terms of the contract.

(2) Schools may accept transfer students. Schools shall determine the amount of hours to be accepted toward graduation based upon an evaluation of the student's level of training.

(3) Hours obtained while enrolled in a cosmetology, electrology, esthetics, master esthetics, or nail technology apprenticeship may not be used to satisfy any of the required hours of school instruction.

R156-11a-701. Curriculum for Electrology Schools.

In accordance with Subsection 58-11a-302(6)(c)(iv), the curriculum for an electrology school shall consist of 500 hours of instruction in the following subject areas:

- (1) [~~±~~]introduction consisting of[as follows]:
 - (a) the history of electrology; and
 - (b) an overview of the curriculum[~~-~~];
- (2) [~~Basic Science and Anatomy as follows~~]personal, client, and salon safety including:
 - (a) [~~medical definitions and diagnosis~~]aseptic techniques and sanitary procedures;
 - (b) [~~prescription drugs affecting hair growth~~]sterilization methods and procedures; and
 - (c) [~~contraindications.~~]health risks to the electrologist;
- (3) [~~Histology~~]business and salon management including:
 - (a) developing a clientele;
 - (b) professional image;
 - (c) professional ethics;
 - (d) professional associations;
 - (e) public relations; and
 - (f) advertising;
- (4) [~~Trichology~~]legal issues including:
 - (a) malpractice and liability;
 - (b) regulatory agencies; and
 - (c) tax laws;
- (5) [~~Endocrinology~~]human immune system;
- (6) [~~Dermatology~~]diseases and disorders of hair and skin;

(7) ~~[Neurology as follows:]~~implements, tools, and equipment for electrology;
~~[(a) anesthetics, including over the counter and prescription; and~~
~~(c) carpal tunnel syndrome.]~~
(8) ~~[Angiology]~~first aid;
(9) ~~[Psychology as follows:]~~anatomy;
~~[(a) aesthetic/cosmetic electrolysis; and~~
~~(b) gender dysphoric clients.]~~
(10) ~~[Practical Analysis as follows:]~~basic science of electrology;
~~[(a) evaluating the characteristics of skin;~~
~~(b) evaluating the characteristics of hair growth;~~
~~(c) needle/probe types, features and selection;~~
~~(d) insertions, considerations and accuracy; and~~
~~(e) one and two handed techniques.]~~
(11) ~~[Infection and Disease Control as follows:]~~analysis of the skin;
~~[(a) pathogenic bacteria and non bacterial causes;~~
~~(b) American Electrology Association (AEA) infection control standards;~~
~~(c) aseptic techniques and sanitary procedures;~~
~~(d) sterilization methods and procedures; and~~
~~(e) health risks to the electrologist.~~
(12) ~~Principles of Electricity and Equipment as follows:~~
~~(a) currents, measurement and classification;~~
~~(b) FDA Class 1 needle type epilating equipment;~~
~~(c) FDA Class 3 hair removal devices; and~~
~~(d) laser technologies for temporary hair removal prohibited unless performed under the supervision of a licensed health care profession; and~~
~~(e) epilator operation and care.~~
(13) ~~Modalities for Needle Type Electrolysis as follows:~~
~~(a) galvanic multi needle technique;~~
~~(b) thermolysis manual technique;~~
~~(c) thermolysis flash technique; and~~
~~(d) blend and progressive epilation technique.~~
(14) ~~Clinical Procedures as follows:~~
~~(a) consultation;~~
~~(b) health/medical history;~~
~~(c) pre and post treatment skin care;~~
~~(d) normal healing skin effects;~~
~~(e) tissue injury and complications;~~
~~(f) treating ingrown hairs;~~
~~(g) face and body treatment;~~
~~(h) evaluation of treatments/regrowth;~~
~~(i) positioning and draping; and~~

- ~~— (j) stress and relaxation techniques.~~
- ~~— (15) Developing a practice and business management as follows:~~
- ~~— (a) professional associations;~~
- ~~— (b) ethics;~~
- ~~— (c) legal issues including:~~
- ~~— (i) malpractice liability;~~
- ~~— (ii) regulatory agencies; and~~
- ~~— (iii) tax laws;~~
- ~~— (d) public relations; and~~
- ~~— (e) advertising.~~
- ~~— (16) State Board Exams Review; and~~
- ~~— (17) Elective Topics.]~~
- (12) physiology of hair and skin;
- (13) medical definitions including:
- (a) dermatology;
- (b) endocrinology;
- (c) angiology; and
- (d) neurology;
- (14) evaluating the characteristics of skin;
- (15) evaluating the characteristics of hair;
- (16) medications affecting hair growth including:
- (a) over-the-counter preparations;
- (b) anesthetics; and
- (c) prescription medications;
- (17) contraindications;
- (18) disease and blood-borne pathogens control including:
- (a) pathogenic bacteria and non-bacterial causes; and
- (b) American Electrology Association (AEA) infection control standards;
- (19) principles of electricity and equipment including:
- (a) types of electrical currents, their measurements and classifications;
- (b) Food and Drug Administration (FDA) approved needle type epilation equipment;
- (c) FDA approved hair removal devices; and
- (d) epilator operation and care;
- (20) modalities for need type electrolysis including:
- (a) needle/probe types, features, and selection;
- (b) insertions, considerations, and accuracy;
- (c) galvanic multi needle technique;
- (d) thermolysis manual and flash technique;
- (e) blend and progressive epilation technique; and
- (f) one and two handed techniques;
- (21) clinical procedures including:
- (a) consultation;
- (b) health/medical history;

- (c) pre and post treatment skin care;
- (d) normal healing skin effects;
- (e) tissue injury and complications;
- (f) treating ingrown hairs;
- (g) face and body treatment;
- (h) cosmetic electrolysis; and
- (i) positioning and draping;
- (22) elective topics; and
- (23) Utah Electrology Examination review.

R156-11a-702. Curriculum for Esthetics School - Esthetician Programs.

In accordance with Subsection 58-11a-302(10)(c)(iv), the curriculum for an esthetics school esthetician program shall consist of 600 hours of instruction in the following subject areas:

- ~~[(1) manual lymphatic massage of the face and neck;~~
- ~~(2) temporary removal of superfluous hair;~~
- ~~(3) treatment of the skin;~~
- ~~(4) packs and masks;~~
- ~~(5) analysis of the skin;~~
- ~~(6) application of make up;~~
- ~~(7) application of false eyelashes;~~
- ~~(8) arching of the eyebrows;~~
- ~~(9) tinting of the eyelashes and eyebrows;~~
- ~~(10) history and theory of skin care;~~
- ~~(11) electronic facials;~~
- ~~(12) first aid;~~
- ~~(13) chemistry of cosmetics;~~
- ~~(14) skin treatments with and without machines;~~
- ~~(15) anatomy and physiology;~~
- ~~(16) sanitation, decontamination, and infection control;~~
- ~~(17) waxing;~~
- ~~(18) pedicures;~~
- ~~(19) Aroma therapy;~~
- ~~(20) limited chemical exfoliation;~~
- ~~(21) other related topics; and~~
- ~~(22) state laws and rules.]~~
- (1) introduction consisting of:
 - (a) history of esthetics; and
 - (b) an overview of the curriculum;
- (2) personal, client, and salon safety including:
 - (a) aseptic techniques and sanitary procedures;
 - (b) sterilization methods and procedures; and
 - (c) health risks to the esthetician;
- (3) business and salon management including:
 - (a) developing a clientele;

- (b) professional image;
- (c) professional ethics;
- (d) professional associations;
- (e) public relations; and
- (f) advertising.
- (4) legal issues including:
 - (a) malpractice liability;
 - (b) regulatory agencies; and
 - (c) tax laws;
- (5) human immune system;
- (6) diseases and disorders of the skin including:
 - (a) bacteriology;
 - (b) sanitation;
 - (c) sterilization;
 - (d) decontamination; and
 - (e) infection control;
- (7) implements, tools, and equipment for esthetics;
- (8) first aid;
- (9) anatomy;
- (10) basic science of esthetics;
- (11) analysis of the skin;
- (12) physiology of the skin;
- (13) facials, manual and mechanical;
- (14) limited chemical exfoliation including:
 - (a) pre-exfoliation consultation;
 - (b) post-exfoliation treatments; and
 - (c) chemical reactions;
- (15) chemistry for esthetics;
- (16) temporary removal of superfluous hair by waxing;
- (17) treatment of the skin;
- (18) packs and masks;
- (19) Aroma therapy;
- (20) application of makeup including:
 - (a) application of false eyelashes;
 - (b) arching of the eyebrows; and
 - (c) tinting of the eyelashes and eyebrows;
- (21) medical devices;
- (22) cardio pulmonary resuscitation (CPR);
- (23) basic facials;
- (24) chemistry of cosmetics;
- (25) skin treatments with and without machines;
- (26) manual lymphatic massage of the face and neck;
- (27) pedicures;
- (28) elective topics; and
- (29) Utah Esthetic Examination review.

R156-11a-703. Curriculum for Esthetics School - Master Esthetician Programs.

In accordance with Subsection 58-11a-302(10)(c)(iv), the curriculum for an esthetics school master esthetician program shall consist of 1,200 hours of instruction, 600 of which consist[ing] of the curriculum for an esthetician program, the remaining 600 of which [~~is~~]shall be in the following subject areas:

- (1) introduction consisting of:
 - (a) history of master esthetics; and
 - (b) an overview of the curriculum;
- ~~[(2) bacteriology, hygiene, sanitation, and sterilization techniques;~~
- ~~— (3) the immune system, skin disorders, and the prevention of infectious disease;~~
- ~~— (4) essentials of chemistry and advanced cosmetic chemistry;~~
- ~~— (5) the skin and the aging process, including damage to the skin;~~
- ~~— (6) 200 hours of lymphatic massage by manual and other means; including:~~
 - ~~— (a) anatomy and physiology of the lymphatic system, including client consultation, to consist of 40 hours of training;~~
 - ~~— (b) manual lymphatic massage of the full body, including the face and neck, by manual massage shall consist of 100 applications, of one hour each; and~~
 - ~~— (c) lymphatic massage by other means, including but not limited to, suction assisted massage or pressure therapy equipment shall consist of 60 applications of one hour each.~~
- ~~— (7) advanced anatomy, physiology, and histology of the skin;~~
- ~~— (8) body wrapping, including procedures, product ingredients, and contra indications;~~
- ~~— (9) advanced pedicures;~~
- ~~— (10) hydrotherapy;~~
- ~~— (11) advanced waxing and temporary hair removal;~~
- ~~— (12) chemical exfoliation, including pre exfoliation consultation, post exfoliation treatments and reactions;~~
- ~~— (13) cardio pulmonary resuscitation (CPR) training;~~
- ~~— (14) advanced Aroma therapy;~~
- ~~— (15) sanding and microdermabrasion, including training in the use of:~~
 - ~~— (a) electrical devices which use high-frequency current in the treatment of the skin, including:~~
 - ~~— (i) a device equipped with a brush to cleanse the skin;~~

~~— (ii) an electrical device which uses galvanic current for the treatment of the skin;~~

~~— (iii) a device which applies a mixture of steam and ozone to the skin; and~~

~~— (iv) a device which is used to spray water and other liquids on the skin, and to stimulate circulation in the skin; and~~

~~— (b) any mechanical device for the care and treatment of the skin which is approved by the division in collaboration with the board; and~~

~~— (16) other esthetic preparations or procedures.]~~

~~— (2) personal, client, and salon safety including:~~

~~— (a) aseptic techniques and sanitary procedures;~~

~~— (b) sterilization methods and procedures; and~~

~~— (c) health risks to the master esthetician;~~

~~— (3) business and salon management consisting of:~~

~~— (a) developing clients;~~

~~— (b) professional image;~~

~~— (c) professional ethics;~~

~~— (d) professional associations;~~

~~— (e) advertising; and~~

~~— (f) public relations;~~

~~— (4) legal issues including:~~

~~— (a) malpractice liability;~~

~~— (b) regulatory agencies; and~~

~~— (c) tax laws;~~

~~— (5) the human immune system;~~

~~— (6) diseases and disorders of the skin including:~~

~~— (a) bacteriology;~~

~~— (b) sanitation;~~

~~— (c) sterilization;~~

~~— (d) contamination; and~~

~~— (e) infection controls;~~

~~— (7) implements, tools and equipment for master esthetics;~~

~~— (8) first aid;~~

~~— (9) anatomy;~~

~~— (10) basic science of master esthetics;~~

~~— (11) analysis of the skin;~~

~~— (12) physiology of the skin;~~

~~— (13) advanced facials, manual and mechanical;~~

~~— (14) chemistry for master esthetics;~~

~~— (15) advanced chemical exfoliation, including:~~

~~— (a) pre-exfoliation consultation;~~

~~— (b) post-exfoliation treatments; and~~

~~— (c) reactions;~~

~~— (16) temporary removal of superfluous hair by waxing and advanced waxing;~~

(17) 200 hours of instruction in lymphatic massage by manual or other means consisting of:

(a) manual lymphatic massage of the full body, including the face and neck; and

(b) lymphatic massage by other means, including suction assisted massage or pressure therapy;

(18) advanced pedicures;

(19) advanced Aroma therapy;

(20) the aging process and its damage to the skin;

(21) medical devices;

(22) cardio pulmonary resuscitation (CPR) training;

(23) hydrotherapy;

(24) mechanical sanding and microdermabrasion techniques consisting of:

(a) electrical devices which use high-frequency current for treatment of the skin;

(b) a device equipped with a brush to cleanse the skin;

(c) an electrical device which uses galvanic current for the treatment of the skin;

(d) a device which applies a mixture of steam and ozone to the skin;

(e) a device which is used to spray water and other liquids on the skin to stimulate circulation in the skin; and

(f) any mechanical device, other esthetic preparations or procedure for the care and treatment of the skin which is approved by the division in collaboration with the board;

(25) elective topics; and

(26) Utah Master Esthetician Examination review.

R156-11a-704. Curriculum for Nail Technology Schools.

In accordance with Subsection 58-11a-302(6)(c)(iv), the curriculum for a nail technology school shall consist of [200]300 hours of instruction in the following subject areas:

~~— (1) safety and sanitation, including salon safety, bacteriology, and sterilization;~~

~~— (2) artificial nail techniques, including wraps, tips, gel, sculptured acrylic nail, nail art, and mechanical techniques;~~

~~— (3) cosmetic chemistry;~~

~~— (4) pedicuring including massage of the lower leg and foot;~~

~~— (5) anatomy and physiology;~~

~~— (6) nail and the disorders of nail;~~

~~— (7) skin and the disorders of the skin;~~

~~— (8) first aid;~~

~~— (9) theory of basic manicuring with hand and arm massage;~~

~~— (10) professional ethics/salon management/state laws; and~~

- ~~(11) elective topics.]~~
- (1) introduction consisting of:
 - (a) history of nail technology; and
 - (b) an overview of the curriculum;
- (2) personal, client and salon safety including:
 - (a) aseptic techniques and sanitary procedures;
 - (b) sterilization methods and procedures; and
 - (c) health risks to the nail technician;
- (3) business and salon management including:
 - (a) developing clientele;
 - (b) professional image;
 - (c) professional ethics;
 - (d) professional associations;
 - (e) public relations; and
 - (f) advertising;
- (4) legal issues including:
 - (a) malpractice liability;
 - (b) regulatory agencies; and
 - (c) tax laws;
- (5) human immune system;
- (6) diseases and disorders of the nails and skin including:
 - (a) bacteriology;
 - (b) sanitation;
 - (c) sterilization;
 - (d) decontamination; and
 - (e) infection control;
- (7) implements, tools and equipment for nail technology;
- (8) first aid;
- (9) anatomy;
- (10) basic science for nail technology;
- (11) theory of basic manicuring including hand and arm massage;
- (12) physiology of the skin and nails;
- (13) chemistry for nail technology;
- (14) artificial nail techniques consisting of:
 - (a) wraps;
 - (b) nail tips;
 - (c) gel nails;
 - (d) sculptured acrylic nails; and
 - (e) nail art;
- (15) pedicures and massaging the lower leg and foot;
- (16) elective topics; and
- (17) Utah Nail Technology Examination review.

R156-11a-705. Curriculum for Cosmetology/Barber Schools.

In accordance with Subsection 58-11a-302(3)(c)(iv), the curriculum for a cosmetology/barber school shall consist of 2,000 hours of instruction, 600 of which shall consist~~[ing]~~ of the curriculum for an esthetics school esthetician program; 200 of which shall consist~~[ing]~~ of the curriculum for a nail technology school; and the remaining 1,200 hours shall be~~[of which]~~ in the following subject areas:

- (1) introduction consisting of:
 - (a) history of cosmetology/barbering, esthetics, nail technology; and
 - (b) overview of the cosmetology/barber curriculum;
- ~~[(2) professional image, including professional ethics and salon management;~~
- ~~[(3) bacteriology, sanitation and sterilization, safety, and diseases and disorders;~~
- ~~[(4) decontamination, infection control, and salon safety;~~
- ~~[(5) properties of the hair and scalp;~~
- ~~[(6) draping;~~
- ~~[(7) shampooing, rinsing, and conditioning;~~
- ~~[(8) haircutting, including men and women;~~
- ~~[(9) hairstyling, including wet and thermal;~~
- ~~[(10) permanent waving;~~
- ~~[(11) hair coloring;~~
- ~~[(12) chemical hair relaxing;~~
- ~~[(13) thermal hair straightening;~~
- ~~[(14) wigs and artificial hair;~~
- ~~[(15) first aid;~~
- ~~[(16) anatomy and physiology;~~
- ~~[(17) chemistry for cosmetology/barbering;~~
- ~~[(18) professional ethics and salon management;~~
- ~~[(19) electricity and light therapy;~~
- ~~[(20) implements, tools, and equipment for cosmetology and barbering;~~
- ~~[(21) shaving;~~
- ~~[(22) clipper variations;~~
- ~~[(23) razor cutting for men;~~
- ~~[(24) mustache and beard design;~~
- ~~[(25) licensing laws and rules; and~~
- ~~[(26) elective topics.]~~
- (2) personal, client and salon safety including:
 - (a) aseptic techniques and sanitary procedures;
 - (b) sterilization methods and procedures;
 - (c) health risks to the electrologist;
- (3) business and salon management including:
 - (a) developing clientele;
 - (b) professional image;
 - (c) professional ethics;

- (d) professional associations;
- (e) public relations; and
- (f) advertising;
- (4) legal issues including:
 - (a) malpractice liability;
 - (b) regulatory agencies; and
 - (c) tax laws;
- (5) human immune system;
- (6) diseases and disorders of skin, nails, hair, and scalp including:
 - (a) bacteriology;
 - (b) sanitation;
 - (c) sterilization;
 - (d) decontamination; and
 - (e) infection control;
- (7) implements, tools and equipment for cosmetology, barbering, esthetics and nail technology;
- (8) first aid;
- (9) anatomy;
- (10) basic science of cosmetology/barbering;
- (11) analysis of the skin, hair and scalp;
- (12) physiology of the human body;
- (13) electricity and light therapy;
- (14) limited chemical exfoliation;
- (15) chemistry for cosmetology/barbering, esthetics and nail technology;
- (16) temporary removal of superfluous hair;
- (17) properties of the hair, skin and scalp;
- (18) basic hairstyling including:
 - (a) wet and thermal styling;
 - (b) permanent waving;
 - (c) hair coloring;
 - (d) chemical hair relaxing; and
 - (e) thermal hair straightening;
- (19) men and women's haircuts including:
 - (a) draping;
 - (b) clipper variations;
 - (c) scissor cutting;
 - (d) shaving; and
 - (e) wigs and artificial hair;
- (20) razor cutting for men;
- (21) mustache and beard design;
- (22) elective topics; and
- (23) Utah Cosmetology/Barber Examination review.

R156-11a-706. Curriculum for Cosmetology/Barber, Master Esthetics, Electrology, and Nail Technology Instructors School.

In accordance with Subsections 58-11a-302(2), (5), (9) and (12), the curriculum for an approved cosmetology/barber, esthetics, master esthetics, electrology and nail technology instructor school shall consist of 1,000 hours of instruction in the following subject areas:

- (1) motivation and the learning process;
- (2) teacher preparation;
- (3) teaching methods;
- (4) classroom management;
- (5) testing;
- (6) instructional evaluation;
- (7) laws, rules and regulations; and
- (8) Utah Cosmetology/Barber, Master Esthetics, Electrology and Nail Technology Instructors Examination review.

R156-11a-801. Approved Cosmetologist/Barber Apprenticeship Requirements.

In accordance with Subsection 58-11a-102(1), the requirements for an approved cosmetology/barber apprenticeship ~~[shall] include [the following]:~~

- (1) The ~~[supervisor]~~instructor shall have only one apprentice at a time.
- (2) There shall be a conspicuous sign near the work station of the apprentice stating "Apprentice in Training".
- (3) The ~~[supervisor]~~instructor and apprentice shall keep a daily record, which shall include the hours of theory instruction, the hours of practical instruction, the number and type of client services performed, and other services which will document the total number of hours of training. The record shall be available to the division upon request.
- (4) A complete set of cosmetology/barber texts shall be available to the apprentice.
- (5) An apprentice may be compensated for services performed.
- (6) The ~~[supervisor]~~instructor shall provide training and technical instruction of 2,500 hours using the curriculum defined in Section R156-11a-705.
- (7) The ~~[supervisor]~~instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days.
- (8) An apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects specified in Section R156-11a-705.
- (9) Hours obtained while enrolled in a cosmetology/barber school shall not be used to satisfy the required 2,500 hours of apprentice training.

R156-11a-802. Approved Esthetician Apprenticeship Requirements.

In accordance with Subsection 58-11a-102(2), the requirements for an approved esthetician apprenticeship ~~[shall]~~ include:

(1) The ~~[supervisor]~~instructor shall have no more than ~~[two]~~one apprentice[s] at a time.

(2) There shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training."

(3) The ~~[supervisor]~~instructor and apprentice shall keep a daily record, which shall include the hours of theory instruction, the hours of practical instruction, the number and type of client services performed, and other services, which will document the total number of hours of training. The record shall be available to the division upon request.

(4) A complete set of esthetics texts shall be available to the apprentice.

(5) An apprentice may be compensated for services performed.

(6) The ~~[supervisor]~~instructor shall provide training and technical instruction of 800 hours using the curriculum defined in Section R156-11a-702.

(7) The ~~[supervisor]~~instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days.

(8) An apprentice may not perform work on the public until the apprentice has received at least 10% of the hours required in technical training, with at least a portion of that time devoted to each of the subjects specified in Section R156-11a-702.

(9) Hours obtained while enrolled in an esthetics school shall not be used to satisfy the required 800 hours of apprentice training.

R156-11a-803. Approved Master Esthetician Apprenticeship Requirements.

In accordance with Subsection 58-11a-102(3), the requirements for an approved master esthetician apprenticeship ~~[shall]~~ include:

(1) The ~~[supervisor]~~instructor shall have no more than ~~[two]~~one apprentice[s] at a time.

~~(2) [The apprentice shall be licensed as an esthetician.~~

~~—(3)—~~There shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training."

~~[(4)]~~(3) The ~~[supervisor]~~instructor and apprentice shall keep a daily record, which shall include the hours of theory instruction, the hours of practical instruction, the number and

type of client services performed, and other services, which will document the total number of hours of training. The record shall be available to the division upon request.

(~~[5]~~4) A complete set of esthetics texts shall be available to the apprentice.

(~~[6]~~5) An apprentice may be compensated for services performed.

(~~[7]~~6) The [~~supervisor~~]instructor shall provide training and technical instruction of 1,500 hours using the curriculum defined in Section R156-11a-703:

(~~[8]~~7) The [~~supervisor~~]instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days.

(~~[9]~~8) An apprentice may not perform work on the public until the apprentice has received at least 10% of the required hours of technical training, with at least a portion of that time devoted to each of the subjects specified in Subsection R156-11a-703.

(~~[10]~~9) Hours obtained while enrolled in an esthetics school shall not be used to satisfy the required 1,500 hours of apprentice training.

R156-11a-804. Approved Nail Technician Apprenticeship Requirements.

In accordance with Subsection 58-11a-102(4), the requirements for an approved nail technician apprenticeship [~~shall~~]include:

(1) The [~~supervisor~~]instructor shall have no more than two apprentices at a time.

(2) There shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training."

(3) The [~~supervisor~~]instructor and apprentice shall keep a daily record, which shall include the hours of theory instruction, the hours of practical instruction, the number and type of client services performed, and other services, which will document the total number of hours of training. The record shall be available to the division upon request.

(4) A complete set of nail technician texts shall be available to the apprentice.

(5) An apprentice may be compensated for services performed.

(6) The [~~supervisor~~]instructor shall provide training and technical instruction of [~~250~~]375 hours using the curriculum defined in Section R156-11a-704.

(7) The [~~supervisor~~]instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days.

(8) An apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects specified in Subsection R156-11a-704.

(9) Hours obtained while enrolled in a nail technology school shall not be used to satisfy the required ~~[250]~~375 hours of apprentice training.

KEY: cosmetologists/barbers, estheticians, electrologists, nail technicians

Date of Enactment or Last Substantive Amendment: [~~December 3, 2002~~]2006

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